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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,925	07/15/2003	Nathan Myles McClain	GIQ-1	7147
44728	7590	12/15/2005	EXAMINER	
J. BENNETT MULLINAX, LLC			AVERY, BRIDGET D	
P. O. BOX 26029			ART UNIT	
GREENVILLE, SC 29616-1029			PAPER NUMBER	

3618

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/619,925	MCCLAIN, NATHAN MYLES	
	Examiner	Art Unit	
	Bridget Avery	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/25/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18, 20-43 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-16, 18, 20-43 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 5, 11, 18, 20, 21, 23, 28, 35, 38 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Reyes et al. (US Patent 6,315,312).

Reyes et al. teaches a skateboard assembly including: a housing (12) configured for attachment to a skateboard (as stated in the abstract and throughout the specification), the housing (12) having a longitudinal axis, the housing (12) having a retaining member (60); a resilient member (52) retained by the retaining member (60) of the housing (12); a mounting member (26) having at least one flat surface at an end (46) disposed through the resilient member (52) in the direction of the longitudinal axis of the housing (12) (see Figure 2), at least one of the flat surfaces engaging the resilient member (52) and configured to be urged towards the resilient member (52) during relative rotation between the flat surface of the mounting member (26) and the resilient member (52), as taught in column 4, lines 23-32 and column 5, lines 2-7 and 36-45); a wheel axle (34) retained by the mounting member (26) and pivotal with respect to the housing (12), the axle (34) having at least one mounting arm (as clearly shown in Figure 1, 5 and 6) extending transverse to the longitudinal axis of the housing (12); a wheel (35 as shown in Figure 2) rotatably mounted on the mounting arm (34); the housing (12)

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including a plate/upper end (18) configured for attachment to a board, and where the retaining member (60) including at least one pair of legs/ribs (as clearly shown in Figure 3 and suggested in column 4, lines 20-22) attached to the plate (18) and extending from the plate (18) (it is noted that the housing (12), retaining member (60) and plate (18) are all shown integral in Figure 1); bottom end/cap (20) is attached to the ends of the pair of legs/ribs opposite from the plate (18); and, an insert (40) retained by the resilient member (52) and contacted by the mounting member (26) such that the mounting member (26) engages the resilient member (52), as shown in Figure 2; the insert (40) having an aperture (42) that is defined at least partially by a flat surface of the insert (40) such that the flat surface of the insert (40) contacts the flat surface of the mounting member (26), (it is noted that the insert (40) has several flat surfaces shown externally on the sides, the top and the bottom and internal flat surfaces matingly configured for receiving the flat surfaces of the tapering projection (46)). The resilient member defines a cavity (54) having open ends aligned in the longitudinal direction of the housing (12). Re claims 5 and 23, the resilient member also has four sections (clearly defined by the slots 58 and grooves 59) retained by the retaining member (60) of the housing (12), the four sections disposed between the retaining member (60) of the housing (12) and the mounting member (26). Re claims 3, 11, 21 and 28, the resilient member is made of polyurethane or rubber, as taught in column 4, lines 6-10. Note, while Reyes et al. doesn't explicitly show a board, the skateboard truck assembly is disclosed as being adapted to be mounted to a skateboard.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reyes et al. ('312).

Regarding claims 12 and 29, Reyes et al. teaches features of the claimed invention but is silent regarding the durometer value of the resilient member. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide a resilient member with a durometer value between 50 Shore A and 60 Shore D to enhance adjustability for tuning the truck assembly to affect steering of the assembly, as suggested in column 3, lines 54-67.

3. Claims 4, 6, 7, 9, 10, 14-16, 22, 24-27, 32-34, 36, 37, 39, 41-43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reyes et al. ('312) in view of Dudouyt ('848).

Reyes et al. teaches the claimed invention except for a square or cylindrical pin mounting member; a resilient member having tendon cavities and a plurality of tendons; a resilient member having sections with a cylindrical shape, a generally square shaped cavity with a generally circular shape at each of the four corners; and a resilient member

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having a generally square shaped cavity with a generally dovetail shape at each of the four corners.

Dudouyt teaches a resilient member having eight tendon cavities (47) and a plurality of tendons/ribs (43).

Based on the teaching of Dudouyt, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to substitute the resilient member of Dudouyt for the resilient member of Reyes et al. because Dudouyt teaches that the shape and arrangement of his resilient member permits a simple adjustment of the neutralizing elastic return force as must be done to adapt the vehicle to the different weights of users as well as their differing expertise in column 4, lines 27-30. Regarding claims 4, 7, 9, 10, 15, 22, 25-27, 33 and 36, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the mounting member to have the shape of a square or cylindrical pin and to modify the resilient member to have sections with a cylindrical shape, a square cavity with a circular shape or a dovetail shape at each of the four corners, instead of the generally circular cavity with a generally square shape extending therefrom, since applicant's have presented no evidence that the particular configuration of their resilient member is significant or is anything more than one of the numerous configurations a person of ordinary skill in the art would find obvious for the purposes of providing corresponding mating surfaces in the construction of the resilient member. With further regard to claim 36, the provision of four cylindrical pins instead of the eight flat inserts taught by Dudouyt, would have

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been an obvious modification to simplify the construction of the truck assembly to reduce manufacturing cost.

4. Claims 8 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reyes et al. ('312) in view of Lee (US Patent 6,648,345).

Reyes et al. teaches the features described above.

Reyes et al. lacks the teachings of a grinding surface on the axle.

Lee teaches an axle (13) including a grinding surface (12).

Based on the teachings of Lee, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a grinding surface to the axle of Reyes et al. to protect the axle and the bottom edge of the wheel seat against wearing, particularly for a technical trick performance or race, as taught in column 1, lines 31-33.

5. Claims 13 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reyes et al. ('312) in view of Oldendorf (US Patent 4,060,253).

Reyes et al. teaches the features described above.

Reyes et al. lacks the teachings of a wedge configured to engage the bottom of a board of a skateboard.

Oldendorf teaches a wedge (16).

Based on the teachings of Oldendorf, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a wedge to

skateboard assembly of Reyes et al. to make the skateboard more maneuverable or have more stability, as taught in column 3, lines 7-20.

Conclusion


6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.


Avery

December 8, 2005


CHRISTOPHER D. ELLIS
ATTORNEY AT LAW
WASHINGTON, DC